

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND

RUSSIAN RESEARCH CENTER
THE KURCHATOV INSTITUTE,

Plaintiff,

v.

WESTERN SERVICES CORP., et al.,

Defendants and
Third-Party Plaintiff,

v.

GSE SYSTEMS, INC.

Third-Party
Defendants.

Case No.: AMD 02-3878

**WESTERN SERVICES CORP.'S MOTION FOR A
PROTECTIVE ORDER AGAINST ABUSIVE THIRD PARTY DISCOVERY**

Defendant Western Services Corp. ("Western"), through undersigned counsel, hereby requests that the Court issue an order requiring Plaintiff Russian Research Center Kurchatov Institute ("Kurchatov") and third-party defendant GSE Systems, Inc. ("GSE") to withdraw any pending subpoenas to non-party customers of Western and its prime contractor, Data Systems & Solutions LLC ("DS&S"), prohibiting Kurchatov and GSE from serving discovery requests on non-party customers or potential customers of Western or DS&S without first seeking the consent of Western and, if no agreement is possible, then demonstrating to the Court that the

proposed discovery is relevant and necessary and could not be produced by Western, DS&S, or SAIC.

The basis for this relief is set forth in the accompanying Memorandum in Support, but in short, Western seeks this relief because the discovery that Kurchatov is serving on Western's customers is having the effect (whether it is intended or not) of causing substantial and undue confusion and anxiety in the marketplace – a marketplace in which GSE is one of Western's and DS&S's principal competitors. For example, the subpoenas are injuring Western's and DS&S's prospects to win new bids, causing current customers to believe that they must immediately stop using SimPort altogether, and even leading some customers to doubt Western's and DS&S's rights to other, unrelated software.

Further grounds in support of this Motion are discussed in the accompanying Memorandum. A Proposed Order is also submitted.

Respectfully submitted,

WILLIAMS & CONNOLLY LLP

By: /s/
Bruce R. Genderson (Bar No. 02427)
Margaret A. Keeley (Bar No. 15654)
Ann Sagerson (Bar No. 15821)

725 Twelfth Street, N.W.
Washington, D.C. 20005
(202) 434-5000

*Counsel for Western Services Corporation
and George Utmel*

Dated: July 17, 2003